

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
ROBERT D. PRESS,	:	
	:	
Plaintiff,	:	
	:	21 Civ. 10971 (VM)
- against -	:	<b><u>ORDER</u></b>
	:	
PATRICK J. PRIMAVERA,	:	
	:	
Defendant.	:	
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**VICTOR MARRERO, United States District Judge.**

On January 24, 2022, and consistent with the Court's Individual Practices, counsel for defendant Patrick J. Primavera ("Primavera") sent counsel for Robert D. Press ("Press") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Press filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 13.) On January 31, 2022, also consistent with the Court's Individual Practices, counsel for Press sent a three-page letter in response, opposing the grounds that Primavera stated in favor of the proposed motion. (See Dkt. No. 14.) On February 7, 2022, the Court received a letter from Primavera requesting a premotion conference and asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 15.) On June 24, 2022, the Court directed Primavera to file a motion to dismiss limited to three pages in length, (see "June 24 Order," Dkt. No. 17), which Primavera did on July 12, 2022. (See Dkt. No. 19.)

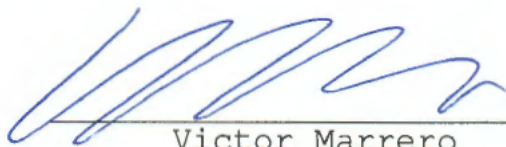
In light of recent Second Circuit opinions, the parties are directed to advise the Court whether they consent for the Court to

deem the briefing as set forth in the June 24 Order as a fully briefed motion and rule on the basis of the limited briefs, or whether the parties request supplemental or full briefing on Primavera's motion. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one week of the date of this order.

**SO ORDERED.**

Dated: August 8, 2022

New York, New York

  
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Victor Marrero  
U.S.D.J.